

10-30-06

EXPRESS MAIL NO. EV529816045US



TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

Application Number	10/673,046
Filing Date	September 26, 2003
First Named Inventor	David M. Gravett
Art Unit	1618
Examiner Name	Blessing M. Fubara
Attorney Docket No.	110129.430

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement and Transmittal <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (<i>please identify below</i>): _____ _____ _____ _____
--	---	---

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Seed Intellectual Property Law Group PLLC	Customer Number	00500
Signature	<i>David L. Engfeld</i> 51,017		
Printed Name	for Qing Lin, Ph.D.		
Date	October 26, 2006	Reg. No.	53,937

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature		
Typed or printed name		Date:

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
853149_1.DOC



EXPRESS MAIL NO. EV529816045US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David M. Gravett et al.
Application No. : 10/673,046
Filed : September 26, 2003
For : PERIVASCULAR WRAPS

Examiner : Blessing M. Fubara
Art Unit : 1618
Docket No. : 110129.430
Date : October 26, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated September 27, 2006, applicants hereby elect Group I, claims 1-93, for examination at this time.

Before responding to the election of species required by the Action, Applicants respectfully traverse certain aspects of the requirement, as reviewed with Examiner Fubara by phone on October 26, 2006, and as summarized herein. In particular, on page 5 of the Action, item 11. A) C(i) requires that "if applicant elects a polymeric carrier, applicant must further elect a specific ABA biodegradable polymer carrier or BAB biodegradable polymeric carrier." Further, item 11 A) C(ii) requires that "if applicant elects non-polymeric carrier, applicant must further elect hyaluronic acid or chitosan or alginate or polyurethane or poly(hydroxyethylmethacrylate)." Applicants note that Claim 17 is directed to a carrier, wherein the carrier is a polymer carrier. Claims 20-54 all depend, directly or indirectly, from claim 17, and are thus directed to polymer carriers. Concerning item 11 A) C(i), applicants note that claims 34-41, 42-45, and 46-49 are directed to three types of block copolymers — (1) a block copolymer having a first block and a second block (*see*, claims 34-41); (2) a block copolymer comprising a structure of A-B-A (*see*, claims 42-45); and (3) a block copolymer comprising a structure of B-A-B (*see*, claim 46-49). Concerning item 11 A) C(ii), applicants note that the species from which election is required are claimed in claims 50-54, each of which is directed to a polymer carrier, not a non-polymeric carrier. In contrast, claims 55-64 are directed to non-polymeric carriers, which include the species of claims 57 and 59-64. As agreed to by Examiner Fubara by phone on October 26, 2006, upon election of "polymeric carrier" in response to the election of species required in item 11 A) c), applicants will further elect a species from the following: (1) a block copolymer having a first block and a second block (*see*, claims 34-41); (2) a block copolymer comprising a structure of A-B-A (*see*, claims 42-45); and (3) a block

copolymer comprising a structure of B-A-B (*see*, claim 46-49); (4) hyaluronic acid (*see*, claim 50); (5) chitosan (*see*, claim 51); (6) alginate (*see*, claim 52); (7) poly(urethane) (*see*, claim 53); and (8) poly(hydroxymethylmethacrylate) (*see*, claim 54). Applicants thank Examiner Fubara for thus reconsidering these aspects of the requirement for election of species in items 11 A) C(i) and C(ii).

Accordingly, in response to the Restriction Requirement of September 27, 2006, in view of the above traversal and the response to the traversal by the Examiner Fubara by phone, applicants hereby elect the following species for the purpose of initiating searching:

- a) Mesh polymer is poly(lactide-co-glycolide) (*see*, claim 9);
- b) Wrap (*see*, claim 21);
- c) Polymer carrier (*see*, claim 17), comprising a block copolymer having a methoxypolyethylene glycol first block and a polyester second block (*see*, claim 34), wherein the polyester is a poly(D,L-lactide) (*see*, claims 35, 37);
- d) Anti-angiogenic agent (*see*, claim 67), specifically paclitaxel (*see*, claim 69);
- e) Single layer mesh.

Applicants submit that the following claims read on the elected species: 1-4, 8-14, 16, 17, 21, 26, 27, 34-41, 65-69, 72.

Consideration of the pending claims is now requested.

Respectfully submitted,

Seed Intellectual Property Law Group PLLC

for David L. Engfeld 51,017
Qing Lin, Ph.D.
Registration No. 53,937

DLE:kw

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031
853116_1.DOC